



9-2-05

RCE
JRW

Express Mail Mailing Label No. EV631054858US

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application No.	10/080,856
Filing Date	February 22, 2002
First Named Inventor	Herz
Group Art Unit	2164
Examiner Name	Mellissa M. Chojnacki
Attorney Docket No.	PXL-048

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on August 2, 2005.
- b. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- c. Amendment/Response enclosed.
- d. Affidavit(s)/Declaration(s) enclosed.
- e. Information Disclosure Statement (IDS) enclosed.
 - i. PTO-1449
 - ii. Copies of IDS Citations
- f. Other _____

2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. Small entity status
 - i. was established in the prior nonprovisional application.
 - ii. is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. A Petition and Fee for Extension of Time for _____ months up to and including _____ is enclosed herewith.
- c. A check in the amount of \$ 790.00 is enclosed.
- d. The Commissioner is hereby authorized to charge the required fee(s), i.e., \$ _____, to Deposit Account No.07-1700.
- e. The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 07-1700.

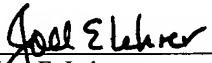
09/06/2005 YPOLITE1 00000018 10080856

790.00 0P

01 FC:1801

3. MISCELLANEOUS

a. Return Receipt Postcard enclosed.
b. Other _____.

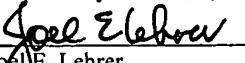
CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Goodwin Procter LLP Exchange Place Boston, MA 02109 Tel. No.: (617) 570-1000 Fax No.: (617) 523-1231 Customer No. 051414</p>	<p>Respectfully submitted,  Joel E. Lehrer Attorney for Applicant Goodwin Procter LLP Exchange Place Boston, MA 02109</p>

VER. 12/00

LIBA/1580823.1



TRANSMITTAL FY 2005		<i>Complete if Known</i>	
		Application Serial Number	10/080,856
		Filing Date	February 22, 2002
		First Named Inventor	Herz
		Group Art Unit	2164
		Examiner Name	Mellissa M. Chojnacki
Attorney Docket No.	PXL-048		

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																							
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 15%;">Large Entity</th> <th style="text-align: left; width: 15%;">Small Entity</th> <th style="text-align: left; width: 70%;">Fee Description</th> <th style="text-align: right; width: 10%;">Fee Paid</th> </tr> <tr> <th>Fee (\$)</th> <th>Fee (\$)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>2,520</td><td>2,520</td><td>Request for ex parte reexamination</td><td></td></tr> <tr><td>120</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>450</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1020</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1590</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2160</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>500</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>500</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1000</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>400</td><td>400</td><td>Petitions to the Commissioner (Gp. I)</td><td></td></tr> <tr><td>200</td><td>200</td><td>Petitions to the Commissioner (Gp. II)</td><td></td></tr> <tr><td>130</td><td>130</td><td>Petitions to the Commissioner (Gp. III)</td><td></td></tr> <tr><td>180</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>790</td><td>395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>790</td><td>395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>100</td><td>100</td><td>Certificate of Correction for applicant's error</td><td></td></tr> <tr><td>130</td><td>65</td><td>Submission of Terminal Disclaimer</td><td></td></tr> <tr><td colspan="2"></td><td>Other fee (Specify)</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td colspan="2"></td><td>Other fee (Specify)</td><td></td></tr> <tr> <td colspan="2"></td> <td></td> <td></td> <td style="text-align: right;">790.00</td> </tr> </tbody> </table>			Large Entity	Small Entity	Fee Description	Fee Paid	Fee (\$)	Fee (\$)			130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		120	60	Extension for reply within first month		450	225	Extension for reply within second month		1020	510	Extension for reply within third month		1590	795	Extension for reply within fourth month		2160	1080	Extension for reply within fifth month		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1000	500	Request for oral hearing		400	400	Petitions to the Commissioner (Gp. I)		200	200	Petitions to the Commissioner (Gp. II)		130	130	Petitions to the Commissioner (Gp. III)		180	180	Submission of Information Disclosure Statement		790	395	Filing a submission after final rejection (37 CFR 1.129(a))		790	395	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		130	65	Submission of Terminal Disclaimer				Other fee (Specify)	Request for Continued Examination (RCE)			Other fee (Specify)						790.00
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																						
Fee (\$)	Fee (\$)																																																																																																								
130	65	Surcharge - late filing fee or oath																																																																																																							
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																																							
130	130	Non-English specification																																																																																																							
2,520	2,520	Request for ex parte reexamination																																																																																																							
120	60	Extension for reply within first month																																																																																																							
450	225	Extension for reply within second month																																																																																																							
1020	510	Extension for reply within third month																																																																																																							
1590	795	Extension for reply within fourth month																																																																																																							
2160	1080	Extension for reply within fifth month																																																																																																							
500	250	Notice of Appeal																																																																																																							
500	250	Filing a brief in support of an appeal																																																																																																							
1000	500	Request for oral hearing																																																																																																							
400	400	Petitions to the Commissioner (Gp. I)																																																																																																							
200	200	Petitions to the Commissioner (Gp. II)																																																																																																							
130	130	Petitions to the Commissioner (Gp. III)																																																																																																							
180	180	Submission of Information Disclosure Statement																																																																																																							
790	395	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																							
790	395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																							
100	100	Certificate of Correction for applicant's error																																																																																																							
130	65	Submission of Terminal Disclaimer																																																																																																							
		Other fee (Specify)	Request for Continued Examination (RCE)																																																																																																						
		Other fee (Specify)																																																																																																							
				790.00																																																																																																					
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 07-1700. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																																																																																									
3. <input type="checkbox"/> Applicant claims small entity status.																																																																																																									
FEE CALCULATION																																																																																																									
1. FILING/SEARCH/EXAM/SIZE FEES																																																																																																									
Large Entity																																																																																																									
Fee (\$)	Fee Description		Fee Paid																																																																																																						
300	Utility filing fee																																																																																																								
500	Utility search fee																																																																																																								
200	Utility exam fee																																																																																																								
250	Utility size fee (each add'l 50 pgs. over 100)																																																																																																								
200	Design filing fee																																																																																																								
100	Design search fee																																																																																																								
130	Design exam fee																																																																																																								
250	Design size fee (each add'l 50 pgs. over 100)																																																																																																								
	Number Filed	Number Extra	Rate	Amount																																																																																																					
Total Claims	- 20 =		x \$ 50.00 =																																																																																																						
Independent Claims	- 3 =		x \$200.00 =																																																																																																						
<input type="checkbox"/> Multiple Dependent Claim(s), if any		\$360.00 =																																																																																																							
		TOTAL:																																																																																																							
		SMALL ENTITY DISCOUNT:																																																																																																							
		SUBTOTAL (1) (\$)		0.00																																																																																																					
2. AMENDMENT CLAIM FEES																																																																																																									
Claims	Highest No.	Present	Rate	Fee Paid																																																																																																					
Remaining	Previously	Extra																																																																																																							
After Amend.	Paid For																																																																																																								
Total	-	=	x \$ 50.00 =																																																																																																						
Indep.	-	=	x \$200.00 =																																																																																																						
<input type="checkbox"/> First Presentation of Multiple Dep. Claim		+ \$360.00 =																																																																																																							
		TOTAL: (\$)																																																																																																							
		SMALL ENTITY DISCOUNT: (\$)																																																																																																							
		SUBTOTAL (2) (\$)		0.00																																																																																																					
CORRESPONDENCE ADDRESS																																																																																																									
Direct all correspondence to: Patent Administrator Goodwin Procter LLP Exchange Place Boston, MA 02109 Tel. No.: (617) 570-1000 Fax No.: (617) 523-1231 Customer No. 051414		Respectfully submitted,  Joel E. Lehrer Attorney for the Applicants Goodwin Procter LLP Exchange Place Boston, MA 02109																																																																																																							